



February 8, 2005

SENATE BILL No. 181

DIGEST OF SB 181 (Updated February 7, 2005 11:37 am - DI 52)

Citations Affected: IC 13-11; IC 13-25.

Synopsis: Environmental assessment before demolition. If the municipal executive (or the county executive for unincorporated area) imposes the requirement, requires the owner of a Class 1 structure (other than a publicly owned structure or a multifamily residential building) to have an environmental assessment of the structure and the land on which the structure is located done before demolition and to report the results to the municipality or county in which the structure is located.

Effective: July 1, 2005.

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January 4, 2005, read first time and referred to Committee on Energy and Environmental Affairs.
February 7, 2005, amended, reported favorably — Do Pass.

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SB 181—LS 6422/DI 52+



February 8, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 181

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-25.9 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: **Sec. 25.9. (a) "Class 1 structure", for**
4 **purposes of IC 13-25-7, except as provided in subsection (b), has**
5 **the meaning set forth in IC 22-12-1-4.**

6 **(b) "Class 1 structure" does not include a multifamily**
7 **residential building.**

8 SECTION 2. IC 13-11-2-50.7 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2005]: **Sec. 50.7. "Demolish", for purposes**
11 **of IC 13-25-7, means to:**

12 **(1) wreck or raze by means of tools, equipment, or discharge**
13 **of explosives; or**

14 **(2) intentionally burn.**

15 SECTION 3. IC 13-25-7 IS ADDED TO THE INDIANA CODE AS
16 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2005]:

SB 181—LS 6422/DI 52+



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**Chapter 7. Environmental Assessment of Class 1 Structures
Before Demolition**

Sec. 1. This chapter applies:

- (1) in a municipality only if the executive of the municipality approves the application of this chapter in the municipality; and**
- (2) in the area of a county not located in a municipality only if the executive of the county approves the application of this chapter in that area.**

Sec. 2. (a) If the owner of real property on which a Class 1 structure is located intends to demolish the structure, the owner must:

- (1) have an environmental assessment of the structure and the parcel or parcels on which the structure is located done in accordance with:**

- (A) Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process (ASTM E Standard Practice 1527.00), as amended or updated from time to time; or**

- (B) a similar standard approved by the commissioner; not more than one hundred eighty (180) days before the commencement of the demolition; and**

- (2) file a report of the results of the environmental assessment with:**

- (A) the executive of the municipality, if the structure is located in a municipality; or**

- (B) the executive of the county in which the structure is located, if the structure is not located in a municipality; at least thirty (30) days before the commencement of the demolition.**

(b) The boards may adopt rules under IC 4-22-2 to implement this section.

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COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 181, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, delete "675 IAC 12-6-2(b), as in effect on January" and insert "**IC 22-12-1-4.**".

Page 1, delete line 6.

Page 1, line 7, delete "publicly owned" and insert "**multifamily residential building.**".

Page 1, delete line 8.

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"Sec. 1. This chapter applies:

(1) in a municipality only if the executive of the municipality approves the application of this chapter in the municipality; and

(2) in the area of a county not located in a municipality only if the executive of the county approves the application of this chapter in that area."

Page 2, line 4, delete "1." and insert "2."

Page 2, line 7, after "structure" insert "**and the parcel or parcels on which the structure is located**".

Page 2, line 11, delete "1527.00); and insert "**1527.00), as amended or updated from time to time;**".

and when so amended that said bill do pass.

(Reference is to SB 181 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 0.

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